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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,581	01/11/2001	Mark K. Sullivan	CNKC.72109	9414
5251	7590	12/14/2004	EXAMINER	
SHOOK, HARDY & BACON LLP 2555 GRAND BLVD KANSAS CITY,, MO 64108			VU, VIET DUY	
			ART UNIT	PAPER NUMBER

2154

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,581

Applicant(s)

SULLIVAN ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Non-Art Rejections:

1. Claims 1-42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following language is vague and indefinite:

In claim 1, lines 4-5, "...tokens which may be directly used by a compression algorithm..", it is not clear as to whether the tokens will or will not be used by the compression algorithm. It is suggested that applicant remove "may" from the claims to clarify the scope of the invention.

The same vagueness and indefiniteness in claim 1 can also be found in claim 21.

Art Rejections:

2. The texts of 35 U.S.C. § 102(e) and 103(a) cited in the previous office action are hereby incorporated by reference.

3. The rejection of claims 1-9, 18, 21-30, 36 and 39-40 under 35 U.S.C. § 102(e) as being clearly anticipated by Bodin U.S. pat. No. 6,311,223, mailed 7/12/04, is hereby incorporated by reference.

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4. The rejection of claims 10-14, 16-17, 19-20, 31-35, 37-38 and 41-42 under 35 U.S.C. § 103(a) as being unpatentable over Bodin, mailed 7/12/04, is hereby incorporated by reference.

Response to Amendment:

5. Applicant's arguments filed on 9/7/04 with respect to claims 1-42 have been fully considered but they are not found persuasive.

Applicant asserts that Bodin fails to teach the claimed invention because Bodin does not teach generating tokens that can be directed used by a compression algorithm.

This is not found persuasive. First, the examiner submits that the amended claims fail to positively require the tokens to be directly used by a compression process as discussed in item 1 above. Second, even if assuming that language in the present claims requires tokens to be used directly by the compression process, this limitation still fails to distinguish the invention over Bodin. This is because in Bodin, the first round generated tokens are indeed directly used by a conventional compression algorithm (see Bodin's col 6, lines 32-35). The number of sub-processes performed by the compression algorithm does not affect the relation of these tokens with the compression algorithm as a whole, i.e., these tokens are always

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direct input to the compression algorithm. Applicant is reminded that Bodin discloses the invention as claimed, the fact that it discloses additional steps not claimed is irrelevant.

Applicant also asserts that Bodin fails to teach integrating the initial tokenization process with the later compression-related tokenization process to allow the compression algorithm to readily recognize information carried by the initial tokens without the need of transmission of dictionary information.

This is not found persuasive. The examiner is unable to find any of these alleged limitations in the present claims.

Conclusion:

6. Applicant's amendment necessitated the new grounds of rejection, 112 Second paragraph. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO

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EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

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12/9/04